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Rhonda Fairchild

Rhonda Fairchild



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Dkt. No.: 4020.000499

Prior Serial No.: 08/872,222

BOX PATENT APPLICATION
Assistant Commissioner for Patents
Washington, D.C. 20231

Prior Application Examiner: Ambrose, M.G.

Prior Group Art Unit: 1626

**REQUEST FOR FILING CONTINUATION
APPLICATION UNDER 37 C.F.R. § 1.53(b)**

This is a request for filing a continuation application under Rule 53(b) (37 C.F.R. § 1.53(b)) of co-pending prior application Serial No. 08/872,222, filed June 10, 1997, entitled "MOLECULAR PROBES AND MODULATORS FOR PI-PLC AND PI 3 KINASE".

- ☒ 1. Enclosed is a copy of the prior application Serial No. 08/872,222 as originally filed, including specification, claims, informal drawings, original declaration and transmittal documents. A true copy of the substitute inventor's declaration properly submitted after the filing date is also enclosed. The undersigned hereby verifies that the attached papers are a true copy of the prior application as originally filed and identified above, that no amendments (if any) referred to in the declaration filed to complete the prior application introduced new matter

The PTO did not receive the following
listed item(s) Postcard return

therein, and further that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of the application or any patent issuing thereon.

(a) ☒ The inventorship is the same as prior Application Serial No. 08/872,222.

(b) ☐ Deletion of inventor(s). Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. § 1.63(d)(2) and 1.33(b).

☒ 2. Enclosed is a check in the amount of \$842.00 to cover the filing fee as calculated below and the fee for any new claims added in the Preliminary Amendment referred to in Clause No. 8 below.

CLAIMS AS FILED IN THE PRIOR APPLICATION LESS CLAIMS CANCELED BELOW				
FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
Basic Fee -----				\$ 355.00
Total Claims	43 - 20 =	23	\$ 9.00 =	\$ 207.00
Independent	10 - 3 =	7	\$40.00 =	\$ 280.00
Claims				.00
Multiple Dependent Claim(s) -----				\$ 842.00
				-0-
TOTAL FILING FEES:				\$ 842.00

☒ 3. Applicant is entitled to Small Entity Status for this application.

☐ (a) A small entity statement is enclosed.

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☒ (b) Two small entity statements were filed in the prior nonprovisional application and such status is still proper and desired (copies attached).

☐ (c) Small entity status is no longer claimed.

☒ 4. If the check is missing or insufficient, the Assistant Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 to 1.21 which may be required for any reason relating to this application, or credit any overpayment to Williams, Morgan and Amerson, P.C. Deposit Account No. 50-0786/4020.000499.

☒ 5. Enclosed are copies of the original and current Power of Attorney documents (two) in the prior application.

☒ 6. Address all future communications to:

Shelley P.M. Fussey
WILLIAMS, MORGAN & AMERSON, P.C.
7676 Hillmont, Suite 250
Houston, Texas 77040
(713) 934-7000

☒ 7. The prior application is presently assigned to Nutrimed Biotech (copy of two prior Assignments attached).

☒ 8. Enclosed is a Preliminary Amendment (including Exhibits A-E; two (cleaned and marked) substitute specifications; and an Inventor's Rule 131 Declaration). Any additional fees incurred by this amendment are included in the check at No. 2 above and said fee has been calculated after calculation of claims and after amendment of claims by the preliminary amendment.

☒ 9. Cancel in this application claims 2-10 of the prior application before calculating the filing fee (at least one original independent claim must be retained).

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- ☐ 10. Amend the specification by inserting before the first line the sentence: --This is a continuation of co-pending application Serial No. _____ filed _____. --.
- ☒ 11. Enclosed are formal drawings of FIG. 1 and FIG. 2 on a total of 2 sheets.
- ☒ 12. The present paper constitutes Applicants' compliance with their duty of disclosure under 37 C.F.R. §1.56. Please make all prior art of record in parent application Serial No. 08/872,222 of record in this case, including that cited by the Office and Applicants. As a courtesy, the following is enclosed:
- ☒ (a) Copies of PTO-1449s from prior application.
- ☐ (b) Copies of IDS citations.
- ☐ 13. Transfer the sequence information, including the computer readable form previously submitted in parent application Serial No. _____, filed _____, for use in this application. 37 C.F.R. § 1.821(e).
- ☒ 14. Request and Certification Under 35 U.S.C. 122(b)(2)(B)(i).
- ☒ 15. Return Receipt Postcard.

Respectfully submitted,



Shelley P.M. Fussey
Reg. No. 39,458
Agent for Applicants

WILLIAMS, MORGAN & AMERSON, P.C.
7676 Hillmont, Suite 250
Houston, Texas, 77040
(713) 934-4079

Date: April 3, 2001

APR 03 2001

PATENT APPLICATION TRANSMITTAL LETTER

Docket Number (Optional)

To the Commissioner of Patents and Trademarks:

Transmitted herewith for filing under 35 U.S.C. 111 and 37 CFR 1.53 is the patent application of

Rajindra Anejaentitled molecular Probes and Modulators for PI-PLC
and PI 3-Kinase.

Enclosed are:

- ☒ 21 pages of written description, claims and abstract.
- ☒ 2 sheets of drawings.
- ☒ an assignment of the invention to Nutrimed Biotech
- ☒ executed declaration of the inventor.
- ☐ a certified copy of a _____ application.
- ☐ associate power of attorney.
- ☒ a verified statement to establish small entity status under 37 CFR 1.9 and 1.27.
- ☐ information disclosure statement
- ☐ preliminary amendment
- ☒ other: Copy of Filing Receipt of Provisional Application. AND

CLAIMS AS FILED

Cert. of mailing

	NUMBER FILED	NUMBER EXTRA	RATE	FEE
BASIC FEE (37 CFR 1.16(a))			\$ 730	\$ 730
TOTAL CLAIMS (37 CFR 1.16(c))	- 20 =	*	x \$ 22	0
INDEPENDENT CLAIMS (37 CFR 1.16(b))	- 3 =	*	x \$ 76	0
MULTIPLE DEPENDENT CLAIM PRESENT		(37 CFR 1.16(d))	\$240	0
NUMBER EXTRA MUST BE ZERO OR LARGER			TOTAL	\$ 750
If applicant has small entity status under 37 CFR 1.9 and 1.27, then divide total fee by 2, and enter amount here.			SMALL ENTITY TOTAL	\$ 375

☐ A check in the amount of \$ 375 to cover the filing fee is enclosed. Ch # 2591

☐ The Commissioner is hereby authorized to charge and credit Deposit Account No. _____ as described below. I have enclosed a duplicate copy of this sheet.

- ☐ Charge the amount of \$ _____ as filing fee.
- ☐ Credit any overpayment.
- ☐ Charge any additional filing fees required under 37 CFR 1.16 and 1.17.
- ☐ Charge the issue fee set in 37 CFR 1.18 at the mailing of the Notice of Allowance, pursuant to 37 CFR 1.311(b).

06.10.97

Date

Signature

Rajindra Aneja

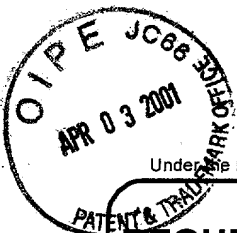
Typed or printed name

Nutrimed Biotech, Cornell Univ Res Park

Address

270-276 Langmuir Laboratory
95 Brown Road, Elhaca, NY 11752

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

**REQUEST AND CERTIFICATION
UNDER
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor	Rajindra Aneja
Title	Molecular Probes and Modulators for PI-PLC abd PI 3 Kinase
Atty Docket Number	4020-000499

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

3rd April, 2001

Date

Signature

Shelley P.M. Fussey; Reg. No. 39,458

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Respectfully submitted,



Shelley P.M. Fussey
Reg. No. 39,458
Agent for Applicants

WILLIAMS, MORGAN & AMERSON, P.C.
7676 Hillmont, Suite 250
Houston, Texas, 77040
(713) 934-4079

Date: April 3, 2001

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